

SEP 22 2003  
PATENT & TRADEMARK OFFICE  
Practitioner's Docket No.: 100\_007 CIP-RCE

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of: Dwayne Lacey

Ser. No.: 09/935,297

Group Art Unit: 3764

Filed: August 22, 2001

Examiner: DeMille, D.

Confirmation No.: 9672

For: HEAD MASSAGING DEVICE

PATENT # 17  
**RECEIVED**

SEP 26 2003

TECHNOLOGY CENTER R3700

**Mail Stop RCE  
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P.O. Box 1450  
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I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.110 addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 22, 2003 under "EXPRESS MAIL" mailing label number EV 30642 7223 US.

*Janet M. Stevens*  
Janet M. Stevens

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**

Sir:

Your petitioner, Dwayne Lacey, residing at 8 Mulberry Farm Lane, White Gum Valley, Western Australia 6162, Australia, represents that he is the owner of the entire right, title and interest in U.S. Patent Application Ser. No. 09/935,297, filed August 22, 2001.

Except as provided below, petitioner hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of U.S. Patent No. 6,309,365, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,309,365, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantees, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321,

has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned has reviewed the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the petitioner identified above.

The undersigned is an attorney of record.

**FEE STATUS**  
(37 C.F.R. § 1.20(d))


<input type="checkbox"/>	Other than a small entity	\$110.00
<input checked="" type="checkbox"/>	Small entity	\$ 55.00

**FEE PAYMENT**

☒ Attached is a check in the sum of \$ 55.00.  
☒ Charge Account 50-1446 for any fee deficiency.  
☐ Charge Deposit Account \_\_\_\_\_ the sum of \$ \_\_\_\_\_ and for any fee deficiency that may be due. A duplicate of this disclaimer is attached.

Respectfully submitted,

September 22, 2003  
Date

  
\_\_\_\_\_  
Kevin C. Brown  
Attorney for Applicant(s)  
Reg. No. 32,402

KCB:jms

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